IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 31670 of 2006(T)

OA.1014/1998 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

.....

PETITIONER:

LAILA THAMEEM, AGED 56 YEARS,
W/O. LATE THAMEEM, H.NO.23/2188, MARUNNUKADA,
PALLURUTHY, KOCHI-6.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.R.O.MUHAMED SHEMEEM
SRI.T.P.SAJID

RESPONDENTS:

---

1. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL, ERNAKULAM.

2. SUHARA, W/O. LATE KUNJU MOHAMMED,
C.C.23/2188, RAMESWARAM VILLAGE, COCHIN.

3. GEORGE,
EXCISE GUARD, NEDUMKANDAM, KATTAPPANA, IDUKKI.

4. THE MANAGER,
CENTRAL BANK OF INDIA, PERUMANOOR BRANCH,ERNAKULAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.31670 of 2006-T

Dated this the 29th day of November, 2006

JUDGMENT

The petitioner is aggrieved by the sale made by the first respondent of a property having an extent of 2 cents in Sy.No.1080/1 of Rameswaram Village, Palluruthy, to the second respondent on 2-11-2006. According to her, she was called for a hearing and without giving sufficient opportunity, suddenly the sale was announced and held and therefore, she is seriously prejudiced. If the sale of the property was held like that, the petitioner has got remedies under the provisions of the Act and the Rules framed thereunder. In view of the said position, this writ petition filed under Article 226 of the Constitution of India need not be entertained. But, the learned counsel for the petitioner points out that on an earlier occasion this Court has entertained a writ petition and has rendered Ext.P5 judgment also which was upheld by a Division Bench of this Court also and the present sale was made in violation of Ext.P5. No statutory authority can ignore the decision of this Court in Ext.P5. Accordingly, it is closed without prejudice to the contentions of

the petitioner and her right to invoke the statutory remedy available to her.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS